

CITY OF NEWTON  
HUMAN RESOURCES DEPARTMENT

# **MA EMERGENCY PAID LEAVE**

CHAPTER 16 OF THE ACTS OF 2021  
MA COVID-19 EMERGENCY PAID SICK LEAVE  
EFFECTIVE MAY 28, 2021

# **MA COVID-19 EMERGENCY PAID LEAVE PROGRAM**

- As of May 28, 2021, and until September 30, 2021, or the exhaustion of the \$75 M in program funds made available by the state, employers must provide up to 40 hours of leave to eligible employees.
- **Who is eligible?**
  - All employees on the payroll as of May 28, 2021. There is no waiting period or exclusion for part time, non-benefitted or seasonal employees.

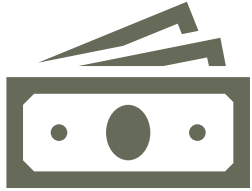
## WHAT ARE THE REASONS FOR LEAVE?

- (1) an employee's need to:
  - (i) self-isolate and care for themselves because they have been diagnosed with COVID-19;
  - (ii) get a medical diagnosis, care, or treatment for COVID-19 symptoms; or
  - (iii) get or recover from a COVID-19 immunization;
- (2) an employee's need to care for a family member who:
  - (i) must self-isolate due to a COVID-19 diagnosis; or
  - (ii) needs medical diagnosis, care, or treatment for COVID-19 symptoms;
- (3) a quarantine order or similar determination regarding the employee by a local, state, or federal public official, a health authority having jurisdiction, or a health care provider;
- (4) an employee's need to care for a family member due to a quarantine order or similar determination regarding the family member by a local, state, or federal public official, a health authority having jurisdiction, the family member's employer, or a health care provider; or
- (5) an employee's inability to telework due to COVID-19 symptoms.

# WHAT ARE THE LEAVE AMOUNTS?

- (1) Employers must provide up to 40 hours of COVID-19 emergency paid sick leave to their employees who work 40 or more hours per week.
- (2) For employees who regularly work fewer than 40 hours per week, employers must provide leave in an amount that is equal to the average number of hours that such employee works per week.
- (3) For employees whose schedule and weekly hours vary from week to week, employers must provide leave that is equal to the average number of hours that the employee was scheduled to work per week over the previous 6-months.
- (4) If an employee with a variable schedule has not worked for the employer for 6 months, the employer must provide leave that is equal to the number of hours per week that the employee reasonably expected to work when hired.

# ONE WEEK, THAT'S EASY, OR IS IT?



There is a maximum value to the amount of leave.



The amount an employer is required to pay per employee, and the maximum amount for which the employer may seek reimbursement for any one employee, is \$850.



**That's confusing,  
can you provide  
examples?**

# EXAMPLES

- **Employee A works 40 hours per week and earns \$1000 per week:**

$\$1,000 / 40 \text{ hours in a week} = \$25 \text{ per hour}$

$\$850 / \$25 \text{ per hour} = \text{employee is eligible for } \underline{34 \text{ hours}} \text{ of COVID-19 Emergency Leave}$

- **Employee B works 37.5 hours per week and earns \$2,000 per week:**

$\$2,000 / 37.5 \text{ hours in a week} = \$53.33 \text{ per hour}$

$\$850 / \$53.33 \text{ per hour} = \text{employee is eligible for } \underline{15.9 \text{ hours}} \text{ of COVID-19 Emergency Leave}$

- **Employee C works 25 hours per week and earns \$475 per week:**

$\$475 / 25 \text{ hours in a week} = \$19 \text{ per hour}$

$\$850 / \$19 \text{ per hour} = (44.7 \text{ hours but}) \text{ employee is ONLY eligible for } \underline{25 \text{ hours}} \text{ of COVID-19 Emergency Leave as that is their weekly hours maximum}$

(note, the maximum number of hours they can receive is the total number of hours they work in a week, so this employee is maxed out at 25 hours of leave although the value does NOT reach the \$850 maximum)

# PART TIME OR VARIABLE HOUR EMPLOYEES?

- **I have a part time employee that works variable hours. How do I determine their eligibility?**
  - The law requires that the employer use the average number of hours per week they work by using the pattern over the last six months of employment or the number of hours the employee is reasonably expected to work.
- **What about a paid intern? Or someone who just started?**
  - If they are paid, they are eligible.
  - They are eligible as of the first day of employment, as of May 28, 2021.

# HOW DO EMPLOYEES APPLY?

## STEP 1:

- Employee should use their regular method of reporting paid leave time.
- Report to supervisor, etc.
- Supervisor or timekeeper should share the request form and notify Kelly Brown in HR who shall administer this program.
- Forms and guidance on the HR website.
- <https://newtonma.gov/HRcovid19>

## STEP 2:

- HR and Payroll will process the forms with the employee directly.
- HR and Payroll will determine eligibility and report using code 373 to the department's payroll import.



**WHAT IF THE  
EMPLOYEE  
DOESN'T  
COMPLETE  
PAPERWORK?**

**OR NEEDS  
MORE TIME  
OFF?**

- The employee may use their own paid leave time until such time that the process is complete.
- Kelly and the HR Department will counsel them through this process. If the employee needs to be out longer than the amount of time, they are eligible for under this program they may use their own available paid leave time.

- Cannot require an employee to find a replacement for them if they need leave under this law.
- Cannot retaliate against employee for taking leave under this law, such as interfering or restraining an employee from applying or unreasonably denying leave if they are eligible.
- Cannot use the use of leave as a negative factor in any employment action, such as an evaluation, promotion, disciplinary action or termination.
- Cannot discipline or take any other adverse action, such as counting the use of this leave towards various incentive programs or the ability to work other assignments.
- Cannot take any negative action against the employee if they complain or voice their concern about the application of this program or their eligibility, or if an employee supports the exercise of rights under this program.

## **NON- RETALIATION**

**Are there any non-retaliation provisions?**

# QUESTIONS?

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